

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Katelyn Williams	Team: Team # 7	CCRB Case #: 200801934	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 02/02/2008 10:55 PM	Location of Incident: § 87(2)(b) and the 28th Precinct stationhouse	Precinct: 28	18 Mo. SOL 8/2/2009	EO SOL 8/2/2009	
Date/Time CV Reported Sat, 02/02/2008 10:55 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 02/07/2008 3:02 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Renee Lee	01785	919942	028 PCT
2. POM Tarik Sheppard	01654	945351	028 PCT
3. POF Doris Westcott	09390	939684	028 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Roniel Dilone	28209	938369	028 PCT
2. SGT Cynthia Watson	04316	924605	028 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Doris Westcott	Abuse: Police Officer Doris Westcott threatened to arrest § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
B.POM Tarik Sheppard	Abuse: Police Officer Tarik Sheppard threatened to arrest § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
C.POF Doris Westcott	Discourtesy: Police Officer Doris Westcott spoke rudely to § 87(2)(b)	§ 87(2)(b)
D.SGT Renee Lee	Abuse: Sergeant Renee Lee threatened to arrest § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)

Synopsis

On February 2, 2008, at approximately 10:55PM, § 87(2)(b) and § 87(2)(b) were attempting to ascertain why their friend § 87(2)(b) was being arrested by uniformed police officers in the lobby of § 87(2)(b) building at § 87(2)(b) in Manhattan. PO Doris Westcott allegedly threatened to arrest § 87(2)(b) and § 87(2)(b) if they didn't leave the building and stated to § 87(2)(b) "This little bitch better get out of here or her mouth is going to get her in trouble" (Allegations A and C). While he was escorting § 87(2)(b) out of the building, PO Tarik Sheppard told § 87(2)(b) and § 87(2)(b) that if they didn't "stop," they would be arrested as well (Allegation B).

After the officers took § 87(2)(b) away, § 87(2)(b) and § 87(2)(b) went to the 28th Precinct stationhouse to inquire about his arrest. Their friend § 87(2)(b) met them there. Sgt. Renee Lee told them to get out of the stationhouse or they were all going to be arrested (Allegation D).

§ 87(2)(g)

This case was originally assigned to Investigator Samrawit Tadesse on February 11, 2008. Upon Inv. Tadesse's departure from the CCRB, this case was reassigned to Investigator Katelyn Williams on July 15, 2008.

Summary of Complaint

§ 87(2)(b) *Black female, 4'11", 135lbs, age unknown*

§ 87(2)(b) called the IAB on February 2, 2008, to file a complaint (IAB Log #08-04560) (Encl. 8A-C). The complaint was forwarded to the CCRB on February 7, 2008 (Encl. 9A-B). On May 21, 2008, Inv. Tadesse went to § 87(2)(b) home at § 87(2)(b) in Manhattan, at which time § 87(2)(b) provided a formal statement (Encl. 10A-D). § 87(2)(b) formal statement was consistent with her original complaint. Her formal statement is summarized below.

On February 2, 2008, at approximately 10:55pm, § 87(2)(b) and § 87(2)(b) boyfriend, § 87(2)(b) (identified through the investigation as § 87(2)(b)) had left Nights lounge and were walking towards § 87(2)(b) in Manhattan, § 87(2)(b) home. § 87(2)(b) and § 87(2)(b) stopped to talk to an old friend at the corner of West 120th Street and 7th Avenue, but § 87(2)(b) kept walking and entered § 87(2)(b)

Five minutes after § 87(2)(b) entered § 87(2)(b) § 87(2)(b) saw a yellow taxi pull up in front of her building. Four uniformed officers, two males (one White and one Black) and two Black females exited the yellow cab and entered the building without talking to anybody. § 87(2)(b) did not pay much attention to the officers because she did not think the reason they were there had anything to do with her.

When § 87(2)(b) and § 87(2)(b) entered the building ten minutes later, they saw that the officers had § 87(2)(b) up against a wall in the lobby. They asked the officers what the problem was and were told that § 87(2)(b) was trespassing. § 87(2)(b) told the officers that she resided in the building, and § 87(2)(b) kept asking the officers why they had § 87(2)(b) against the wall. None of the officers answered them. One of the female officers, identified through the investigation as PO Doris Westcott, told § 87(2)(b) and § 87(2)(b) to get out of the building or they would both be arrested. § 87(2)(b) and § 87(2)(b) exited the lobby without any further comment.

§ 87(2)(b) and § 87(2)(b) stood just outside of the front door because § 87(2)(b) did not want to leave § 87(2)(b). Twenty minutes later, two or three other officers, all of whom were White, arrived in a marked police vehicle. Other than letting them know which building they were wanted in, § 87(2)(b) and § 87(2)(b) didn't interact with these officers.

§ 87(2)(b) was walked out of the building in handcuffs by two officers, one of whom was identified through the investigation as PO Tarik Sheppard. § 87(2)(b) described the other officer as a White male in his early 30s. She stated that he is about 5'5" tall, is of medium build, and has blond hair. § 87(2)(b) and § 87(2)(b) asked the officers why § 87(2)(b) was being arrested, and PO Sheppard told them that there was a warrant for him. PO Sheppard told § 87(2)(b) and § 87(2)(b) that they needed to "stop" or they were going to be arrested as well. PO Sheppard put § 87(2)(b) in the back of the yellow taxi cab. § 87(2)(b) was compliant and was not resisting or saying anything.

§ 87(2)(b) told PO Sheppard and the other officers, "I don't think this is right. We were just coming inside. § 87(2)(b) don't got nothing to do with nothing." § 87(2)(b) was also telling the officers the same thing. § 87(2)(b) acknowledged that she and § 87(2)(b) were probably speaking loudly since they were upset at the way the officers' interacted with § 87(2)(b) but denied that they were screaming at the officers. Neither § 87(2)(b) nor § 87(2)(b) ever cursed at the officers.

The remaining officers were talking to four young boys in the lobby of § 87(2)(b). § 87(2)(b) did not recognize any of the young boys, who looked to be between 14 and 15 years old, and didn't think they lived in the building. § 87(2)(b) knocked on the window of the lobby doors to ask one of the officers which precinct § 87(2)(b) was being taken to. PO Westcott then stated, "This little bitch better get out of here or her mouth is going to get her in trouble." § 87(2)(b) and § 87(2)(b) did not respond to this statement. When § 87(2)(b) asked one of the two female officers, identified through the investigation as Sgt. Renee Lee, if she could speak to her, Sgt. Lee said, "no."

One of the four young boys who were stopped told § 87(2)(b) that the officers were taking § 87(2)(b) to the 28th precinct stationhouse. § 87(2)(b) and § 87(2)(b) walked to the 28th Precinct stationhouse, which was only three blocks away, and got there before § 87(2)(b) and the officers did. § 87(2)(b)'s boyfriend, § 87(2)(b) met them at the stationhouse.

§ 87(2)(b) and § 87(2)(b) asked Sgt. Lee why § 87(2)(b) was being arrested and why he had a warrant. Sgt. Lee told them to get out of the stationhouse. § 87(2)(b) asked Sgt. Lee for her name and also PO Westcott's name so that she could file a complaint against them. Sgt. Lee told § 87(2)(b) that she did not need PO Westcott's name, but her name was Sgt. Lee. She also verbally provided her badge number. Sgt. Lee told § 87(2)(b) and § 87(2)(b) to get out of the precinct or they were all going to be arrested. § 87(2)(b) and § 87(2)(b) all exited the stationhouse, and § 87(2)(b) called and filed a complaint while standing in front of the stationhouse.

Inconsistencies

§ 87(2)(b), § 87(2)(g)

Attempts to locate other civilians

§ 87(2)(b)

On February 25, 2008, Inv. Tadesse spoke with § 87(2)(b) over the telephone. § 87(2)(b) explained that § 87(2)(b) filed the complaint on her behalf, but § 87(2)(b) was not interested in continuing with the investigation. She explained that she didn't want to lose time at work in order to participate in the investigation. § 87(2)(b) decided to withdraw her complaint. She stated that her decision was voluntary, and that she was not coerced into it by a member of the NYPD or an employee of the CCRB.

§ 87(2)(b)

§ 87(2)(b) provided a telephone number for § 87(2)(b) but was unable to provide an address for him. On August 1, 2008, the undersigned investigator called § 87(2)(b) at both the cell phone and the home numbers provided for him. Messages were left on both. He was sent a letter on the same day. § 87(2)(b) was called again at both numbers on August 5, 2008, and messages were left. He was called again on his cell phone on August 7, 2008, and another message was left. Another letter was sent to him on August 8, 2008. § 87(2)(b) was called again on August 15, 2008, and another message was left. § 87(2)(b) called the CCRB on August 20, 2008, and left a message asking the undersigned investigator to call him back. He was called on the same day, and an appointment was made for an in-person interview on August 25, 2008. § 87(2)(b) was called on August 25, 2008, at which time he stated that he would be unable to appear at the CCRB for his interview, but he would call to reschedule. § 87(2)(b) was called again on September 3, 2008, but the phone didn't ring or go to voicemail. As of October 6, 2008, § 87(2)(b) has not contacted the CCRB.

§ 87(2)(b)

With just a first name provided by the complainant and an incomplete address listed in the command log, it was initially not possible to contact § 87(2)(b). However, a DMV search revealed § 87(2)(b)'s complete mailing address. § 87(2)(b) was sent a letter on August 5, 2008, and another on August 11, 2008. A LexisNexis search came back negative for the name § 87(2)(b) but revealed that a § 87(2)(b) currently lives at the address provided for § 87(2)(b) in the 28th Precinct command log. There was no telephone number listed for her. An § 87(2)(b) lived at the same address until June of 2007, but all of the telephone numbers listed for her were disconnected. It was therefore not possible to contact § 87(2)(b) as a potential witness in this case.

Additional Civilian Witnesses

§ 87(2)(b) stated that the officers stopped four young boys in the lobby of § 87(2)(b) but she did not know their names and could not provide any contact information for them. It was therefore not possible to locate and contact these individuals.

PO Dilone issued summonses to two males, identified from their summonses as § 87(2)(b) and § 87(2)(b) at the same time and location as § 87(2)(b)'s arrest. § 87(2)(g)

§ 87(2)(g)

Results of Investigation

Police Officer Statements

PO Tarik Sheppard

CCRB Statement (Encl. 12A-C)

PO Tarik Sheppard was interviewed at the CCRB by Investigator § 87(2)(b) on August 26, 2008. PO Sheppard is a § 87(2)(b)-old Black male with black hair and brown eyes. He is 6'5" tall and weighs 22lbs.

PO Sheppard worked from 7:30PM on February 2, 2008, until 6:05AM on February 3, 2008. He was working an Impact overtime shift. He explained that for an Impact overtime shift, "you work patrol...everybody's broken up into cars and you just go out...you don't have a sector, the whole precinct is yours." He doesn't recall who he was working with, but he remembers seven or eight other officers and Sgt. Renee Lee working the same overtime shift. He was dressed in-uniform, and was assigned to a marked van.

PO Sheppard noted in his memo book (Encl. 11A-C) that at 10:53PM, he stopped one male (he later identified this male as § 87(2)(b) inside § 87(2)(b) in Manhattan. He then arrested § 87(2)(b) because he had an

open warrant. PO Sheppard arrived at the 28th Precinct stationhouse with § 87(2)(b) at 11:00PM, and at 11:10PM § 87(2)(b) was logged in the HUB.

On February 2, 2008, at approximately 10:55PM, PO Sheppard and maybe three other officers (PO Sheppard does not remember who they were) were driving in a marked van in the vicinity of § 87(2)(b) in Manhattan. As they passed § 87(2)(b) PO Sheppard looked into the doors of the building and had a clear view of the lobby. He saw a group of three or four men standing around with open containers of alcohol in their hands. There were bottles of liquor and cups strewn around the floor near them.

PO Sheppard and the other officers stopped the van and observed the group of men in the lobby for about 30 seconds. They then got out of the van and entered the building. When they did, the group of men ran and dispersed throughout the building. Officers (PO Sheppard is unsure which officers) found one of the men, § 87(2)(b) and brought him back down to the lobby. PO Sheppard asked § 87(2)(b) for his ID and ran his name for a warrant, which came back positive. PO Sheppard then handcuffed § 87(2)(b). No one assisted PO Sheppard in handcuffing him.

PO Sheppard recalls about three or four officers and Sgt. Lee being on scene. He stated that there were one or two vehicles at the location, at the most. He does not recall if other officers responded, but stated that, "there was no reason why we would need any back-up officers." He does not recall if there were any other civilians in the lobby while he was arresting § 87(2)(b). He never saw or spoke with § 87(2)(b) or § 87(2)(b) while at § 87(2)(b).

PO Sheppard does not know if officers stopped anyone else in § 87(2)(b) because after handcuffing § 87(2)(b) he left the building to place him in the van. No one assisted PO Sheppard in escorting § 87(2)(b) out of the building and into a vehicle. After placing him in the van, PO Sheppard brought § 87(2)(b) to the 28th Precinct stationhouse. He stated that there were still officers in § 87(2)(b) when he left with § 87(2)(b).

When he returned to the stationhouse, PO Sheppard brought § 87(2)(b) to the desk and filled out a pedigree information card on him. It was at this point that § 87(2)(b) and § 87(2)(b) who he described as short (around 5'3") , Black females, entered the stationhouse and spoke with the officer who was sitting at the desk (PO Sheppard does not remember who this officer was) and Sgt. Lee. He did not hear what was said between them because he was focusing on what he was doing with § 87(2)(b) but he stated, "At one point it got pretty loud between them." PO Sheppard said he didn't interact with § 87(2)(b) and § 87(2)(b) in the stationhouse.

PO Sheppard does not recall threatening anyone besides § 87(2)(b) with arrest, and he never heard any other officer threaten anyone with arrest. He also stated that he never heard any officer use profanity towards anyone during the incident. He did not hear any civilians ask Sgt. Lee or any other officer for their names and shield numbers.

Sgt. Renee Lee

CCRB Statement (Encl. 14A-C)

Sgt. Renee Lee was interviewed at the CCRB on August 27, 2008. Sgt. Lee is a § 87(2)(b)-old Black female with black hair and black eyes. She is 5'6" tall and weighs 180lbs.

Sgt. Lee worked from 10:00PM on February 2, 2008, until 4:57AM on February 3, 2008. She was working an impact overtime shift, which she described as "general enforcement...we target high-crime prone locations." She was dressed in-uniform, and was assigned to a vehicle (she doesn't remember which vehicle, or if it was marked or unmarked) with PO Tarik Sheppard and PO Doris Westcott. Sgt. Lee was in charge of about three other officers, but she doesn't remember who they were.

Sgt. Lee did not have any entries in her memo book regarding this incident (Encl. 13A-C).

§ 87(2)(g) However, in addition to providing the name of another officer who was at the location (PO Doris Westcott), she also added the following details to the account.

While the officers were in the process of arresting § 87(2)(b) in the lobby of § 87(2)(b) a group of people, identified through the investigation as § 87(2)(b) and § 87(2)(b) approached them and became “irate.” Sgt. Lee explained to § 87(2)(b) and § 87(2)(b) that § 87(2)(b) had an open warrant, so they had to take him to the stationhouse to confirm the details. Sgt. Lee doesn’t recall if § 87(2)(b) or § 87(2)(b) ever spoke to any other officers while at § 87(2)(b).

Two other officers responded to the scene to transport § 87(2)(b) to the 28th Precinct stationhouse. Sgt. Lee doesn’t remember who these officers were. The officers then brought § 87(2)(b) to the stationhouse and ran his information again to make sure the warrant was active. Sgt. Lee believes the warrant turned out to be active. After a few minutes, a group of about three or four people entered the stationhouse and started asking about § 87(2)(b). These individuals were identified by the CCRB as § 87(2)(b) and § 87(2)(b).

Sgt. Lee approached § 87(2)(b) and § 87(2)(b) and explained to them that § 87(2)(b)’s warrant was active, so he was going to be put through the system. Sgt. Lee stated that § 87(2)(b) and § 87(2)(b) then became “upset, irate, [they] started yelling” and she remembers them “standing up and just talking and rambling.” She doesn’t remember exactly what they were saying.

Sgt. Lee told them, “If you guys want to sit here, you can sit here while we run the name, but if you guys become disorderly...you guys will have to be removed out of the precinct.” The people got up again, and as they did, Sgt. Lee pulled the gate closed that led into the back of the stationhouse where the cells are so that they couldn’t walk back there. § 87(2)(b) and § 87(2)(b) then started yelling and cursing again, and Sgt. Lee told them that they had to leave because they were becoming too disorderly inside the precinct. Sgt. Lee then told the officer sitting at the desk, identified through the investigation as Sgt. Cynthia Watson, “If they begin to get irate and threatening, then you’re gonna have to place them under arrest.” She doesn’t recall telling § 87(2)(b) and § 87(2)(b) themselves that they would be arrested if they didn’t calm down.

Two officers then approached § 87(2)(b) and § 87(2)(b) and they ran out of the stationhouse. They were in the stationhouse for about five to ten minutes in total.

Sgt. Lee never heard any officer use profanity at any point during the incident. She doesn’t recall any officer threatening to arrest anyone at § 87(2)(b). Sgt. Lee doesn’t recall anyone asking her for her name and shield number.

PO Doris Westcott

CCRB Statement (Encl. 16A-B)

PO Doris Westcott was interviewed at the CCRB on August 29, 2008. PO Westcott is a § 87(2)(b)-old Black female with brown hair and hazel eyes. She is 5’4” and weighs 180lbs.

PO Westcott worked from 8:00PM on February 2, 2008, until 4:35AM on February 3, 2008. She was dressed in uniform, and was working an impact overtime shift. PO Westcott was assigned to a taxi cab with Sgt. Renee Lee, PO Tarik Sheppard and PO Roniel Dilone. There were two other officers assigned to impact overtime, PO Christopher Hager and PO Jose Perez. They were in another vehicle.

PO Westcott did not have any entries in her memo book relevant to this incident (Encl. 15A-B).

On February 2, 2008, at approximately 10:55PM, PO Westcott, Sgt. Lee, PO Sheppard and PO Dilone went to § 87(2)(b) to do verticals of the building. When they arrived, PO Westcott observed a group of males hanging out in the lobby of the building. When the officers entered the building, the males started running.

The officers approached three or four of them, asked them for IDs, and ran their names for warrants. While they were doing this, two or three females entered the lobby, approached the officers and started “interfering with what [the officers] were doing.” These females were identified through the investigation as § 87(2)(b) and § 87(2)(b). Either § 87(2)(b) or § 87(2)(b) said to the officers, “Oh, you guys don’t have anything else better to

do.” PO Westcott stated that § 87(2)(b) and § 87(2)(b) were “pretty much mouthing off while we were trying to do our job.” They were “very nasty” and were raising their voices.

PO Westcott told § 87(2)(b) and § 87(2)(b) “If you keep interfering, we are going to arrest you.” She doesn’t recall if any other officer ever told § 87(2)(b) and § 87(2)(b) they would be arrested. Either § 87(2)(b) or § 87(2)(b) responded to PO Westcott, “Arrest me for what?” They both continued to raise their voices at the officers. PO Westcott stopped responding to them and after a while § 87(2)(b) and § 87(2)(b) stopped talking and exited the building. The females never physically interfered with what the officers were doing. PO Westcott stated that at that point, § 87(2)(b) and § 87(2)(b) could have been arrested for disorderly conduct or obstructing governmental administration.

After they exited, one of the females came back in the building briefly, and exited again. PO Westcott is unsure where they went after they exited the building. PO Westcott doesn’t know if § 87(2)(b) or § 87(2)(b) ever interacted with any of the other officers while at the scene.

PO Westcott believes one of the male individuals that the officers stopped was arrested. This individual was identified by the CCRB as § 87(2)(b). PO Westcott wasn’t with § 87(2)(b) when he was taken to the stationhouse, and she didn’t return to the stationhouse directly after the incident at § 87(2)(b). After § 87(2)(b) was taken away, PO Westcott and PO Dilone continued “doing what [they] were doing...[they] had to finish [their] work.” PO Westcott does not remember when she returned to the stationhouse next, but she did not see § 87(2)(b) and § 87(2)(b) again after they left the building.

PO Westcott stated that other than herself, Sgt. Lee, PO Sheppard and PO Dilone, there were no other officers at § 87(2)(b). She never heard any of the officers present at § 87(2)(b) use profanity towards anyone or threaten to arrest anyone.

PO Roniel Dilone

CCRB Statement (Encl. 19A-B)

PO Roniel Dilone was interviewed at the CCRB on September 9, 2008. PO Roniel Dilone is a § 87(2)(b)-old Hispanic male with black hair and brown eyes. He is 5’8” and weighs 200lbs.

PO Dilone worked from 8:00PM on February 2, 2008, until 4:35AM on February 3, 2008. He was assigned to impact overtime with five other officers, three of which were Sgt. Renee Lee, PO Doris Westcott and PO Tarik Sheppard. He doesn’t remember who the other two were. PO Dilone was dressed in uniform, and believes he was assigned to a motor vehicle, but doesn’t recall which motor vehicle.

PO Dilone did not have any entries in his memo book regarding this incident (Encl. 17A-B).

At approximately 10:55 on February 2, 2008, PO Dilone was at § 87(2)(b) in the Bronx. PO Dilone explained that he, PO Westcott and PO Sheppard went to § 87(2)(b) because they know it has “an affidavit for trespass, and in order to write summonses, we go see whether or not people are hanging out in the building who were not supposed to be there.” When the officers arrived at § 87(2)(b) PO Dilone saw two people hanging out in the lobby, and he asked them if they lived there. They said “no,” and “they didn’t state that they were visiting anybody.” PO Dilone issued both of them a summons for trespass (Encl. 18A). He had the summonses with him during the interview, and read the following information off of them: “§ 87(2)(b) and § 87(2)(b) at § 87(2)(b) for trespass...on February 2, 2008, at 10:30PM.”

PO Dilone does not recall if there were any other civilians in the lobby at the time.

PO Dilone does not recall what PO Westcott and PO Sheppard were doing while he was issuing § 87(2)(b) and § 87(2)(b) summonses. He doesn’t recall if either of them stopped any other individuals at the scene, because he was focused on writing the summonses. After he issued the summonses, PO Dilone left § 87(2)(b). In total, he was at § 87(2)(b) for five to ten minutes. He doesn’t recall where he went next. He noted in his memo book that the next time he returned to the stationhouse was at about 12:30AM, and it was for an arrest he made.

PO Dilone stated that he doesn't recall if PO Sheppard or any other officer used profanity toward any civilian during this incident. He also doesn't recall any officer at the scene threatening to arrest anyone.

Sgt. Cynthia Watson

CCRB Statement (Encl. 21A-B)

Sgt. Cynthia Waston was interviewed at the CCRB on September 10, 2008. Sgt. Watson is a § 87(2)(b)-old Black female with black hair and brown eyes. She is 5'2" and weighs 155lbs.

On February 2, 2008, Sgt. Watson worked from 2:50PM until 11:47PM. She was working as the desk officer, and was dressed in uniform.

Sgt. Watson didn't have any relevant memo book entries regarding this incident (Encl. 20A-C)

Sgt. Watson stated that she doesn't recall anything about this incident. When shown the command log entry made for the arrest of § 87(2)(b) she stated that it was made in her handwriting. However, she doesn't recall § 87(2)(b) being brought to the desk or any of the surrounding circumstances of his arrest. Sgt. Watson stated that she has no recollection of any officer using profanity towards, or threatening to arrest any civilian who came into the stationhouse on February 2, 2008. Sgt. Watson stated that she doesn't normally make a note in the command log when a civilian comes to the stationhouse to inquire about an arrest.

NYPD Documents

Roll Call (Encl. 23A-23F, 24A-24H)

The 28th Precinct roll call for tour 3 on February 2, 2008 confirms that Sgt. Watson was working the desk when § 87(2)(b) was brought to the stationhouse. The 28th Precinct roll call for tour 1 on February 3, 2008 confirms that PO Sheppard, PO Dilone, PO Westcott and Sgt. Lee were all working an impact overtime shift at the time of the incident.

Command Log (Encl. 25A)

The 28th Precinct command log for February 2, 2008, lists § 87(2)(b) as being signed in to the stationhouse at 10:42PM as return on warrant. At the time, § 87(2)(b)'s physical condition and mental condition were apparently normal. § 87(2)(b) was then brought to the HUB at 11:13PM.

IAB Communications CD

The IAB communications CD of § 87(2)(b) original complaint is consistent with what was written in IAB log# 08-04560.

Civilian Criminal Conviction History

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b) **CCRB History (Encl. 5A)**

This is § 87(2)(b) second CCRB complaint. § 87(2)(b)

Her name was spelled § 87(2)(b) in case #§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) **CCRB History (Encl. 6A)**

This is § 87(2)(b) first CCRB complaint.

§ 87(2)(b) **CCRB History (Encl. 7A)**

§ 87(2)(b) was a victim in CCRB case #§ 87(2)(b). § 87(2)(b)

PO Doris Westcott CCRB History (Encl. 2A)

PO Doris Westcott has had no prior substantiated allegations that resulted in the imposition of discipline.

PO Tarik Sheppard CCRB History (Encl. 3A)

PO Tarik Sheppard has had no prior substantiated allegations that resulted in the imposition of discipline.

Sgt. Renee Lee CCRB History (Encl. 4A)

Sgt. Renee Lee has had no prior substantiated allegations that resulted in the imposition of discipline.

Conclusions and Recommendations

Identification of Subject Officers

PO Westcott matched the physical description (short, Black female with glasses) provided by § 87(2)(b) for the female officer who stated, "This little bitch better get out of here or her mouth is going to get her in trouble," and who threatened to arrest her in the vicinity of § 87(2)(b). In addition, PO Westcott placed herself at the scene of the incident and acknowledged telling two or three females that if they did not stop interfering with what the officers were doing, they would be arrested. § 87(2)(g)

§ 87(2)(b) stated that one of the four officers who first arrived at the location, a Black male, threatened to arrest her and § 87(2)(b) if they didn't "stop." § 87(2)(b) stated that this officer was the one who walked § 87(2)(b) out of § 87(2)(b) in handcuffs. PO Sheppard matches the physical description provided by § 87(2)(b) and he also stated that he was the officer who handcuffed § 87(2)(b) and walked him out of the building. § 87(2)(g)

In her initial complaint to IAB, § 87(2)(b) stated that Sgt. Renee Lee threatened her, § 87(2)(b) and § 87(2)(b) with arrest if they didn't leave the 28th Precinct stationhouse. § 87(2)(b) stated that Sgt. Lee verbally provided her with both her name and shield number while they were still in the stationhouse. Sgt. Lee acknowledged interacting with a group of individuals inquiring about § 87(2)(b)'s arrest in the stationhouse. § 87(2)(g)

Undisputed Facts

On February 2, 2008, § 87(2)(b) was arrested by PO Tarik Sheppard at § 87(2)(b) in Manhattan. Sgt. Renee Lee, PO Roniel Dilone and PO Doris Westcott were also present at the time of his arrest. § 87(2)(b) and § 87(2)(b) entered the lobby and began asking the officers questions about § 87(2)(b)'s arrest. § 87(2)(b) and § 87(2)(b) were upset at the circumstances surrounding § 87(2)(b)'s arrest, and were raising their voices above their normal speaking volume while speaking with the officers. PO Westcott threatened to arrest § 87(2)(b) and § 87(2)(b).

After § 87(2)(b) was taken away by the officers, § 87(2)(b) and § 87(2)(b) walked to the 28th Precinct stationhouse to inquire further about his arrest. While there, they spoke with Sgt. Renee Lee, who told them to leave the stationhouse.

Disputed Facts

§ 87(2)(b) stated that PO Westcott threatened her and § 87(2)(b) with arrest if they did not leave the lobby of § 87(2)(b). Although PO Westcott acknowledged threatening § 87(2)(b) and § 87(2)(b) with arrest, she stated that it was in an attempt to get them to comply with her request to stop interfering with the officers' work.

PO Sheppard, PO Westcott and Sgt. Lee all stated that they never heard any officer use profanity during the incident. However, § 87(2)(b) alleged that PO Westcott stated, “This little bitch better get out of here or her mouth is going to get her in trouble.”

§ 87(2)(b) stated that the Black male officer who escorted § 87(2)(b) out of the building told her that if they didn’t “stop,” they would be arrested as well. This officer, identified through the investigation as PO Tarik Sheppard, stated that he never spoke with § 87(2)(b) and § 87(2)(b) on scene, and he doesn’t recall threatening anyone with arrest.

§ 87(2)(b) stated that Sgt. Lee threatened to arrest her, § 87(2)(b) and § 87(2)(b) if they did not leave the 28th Precinct stationhouse. Sgt. Lee, on the other hand, stated that she first warned the three of them that if they continued to be disorderly, they would have to leave the stationhouse. The three then started yelling and cursing again, so she told them that they had to leave. Sgt. Lee does not recall threatening them with arrest, but she told the officer who was working the desk, “If they begin to get irate and threatening, then you’re gonna have to place them under arrest.” The desk officer, identified through the investigation as Sgt. Watson, does not recall this incident at all.

Assessment of Evidence

PO Westcott acknowledged interacting with § 87(2)(b) and § 87(2)(b) while in the lobby of § 87(2)(b). She described them as “very nasty,” and stated that they were raising their voices at the officers. Sgt. Lee also recalled a group of individuals in the lobby who appeared to be friends of § 87(2)(b). Sgt. Lee stated that these individuals approached the officers and became “irate.”

Though § 87(2)(b) denied screaming at the officers, she acknowledged the fact that she and § 87(2)(b) were both upset at how the officers were treating § 87(2)(b) and that they were probably speaking loudly towards them.

§ 87(2)(g)

§ 87(2)(b) also alleged that PO Westcott stated, “This little bitch better get out of here or her mouth is going to get her in trouble.” PO Westcott, however, did not acknowledge making such a statement, and none of the officers present recalled any officer using profanity during the incident. § 87(2)(g)

PO Sheppard stated that he didn’t recall interacting with any other civilians besides § 87(2)(b) while in the vicinity of § 87(2)(b). § 87(2)(g)

§ 87(2)(g)

After § 87(2)(b) was taken away by PO Sheppard, § 87(2)(b) and § 87(2)(b) walked from § 87(2)(b) to the 28th Precinct stationhouse to further inquire about his arrest. § 87(2)(b) met them there. Sgt. Lee stated that § 87(2)(b) and § 87(2)(b) were “upset, irate, [they] started yelling” while in the stationhouse, and so she warned them that if they continued to be disorderly, they would have to leave. When they continued to yell and curse, she told them to leave. § 87(2)(g)

§ 87(2)(b) PO Sheppard, who was near the desk filling out a pedigree information card for § 87(2)(b) at the time, stated that, “At one point, it got pretty loud between [Sgt. Lee and the three individuals].” He did not, however, hear what was being said between them. § 87(2)(g)

While Sgt.

Lee did not recall directly threatening § 87(2)(b) and § 87(2)(b) with arrest, she acknowledged instructing the desk officer at the time, “If they begin to get irate and threatening, then you’re gonna have to place them under arrest.” § 87(2)(g)

Allegation A- Abuse of Authority: Police Officer Doris Westcott threatened to arrest § 87(2)(b) and

§ 87(2)(b)

According to the New York State Penal Law 240.20, Disorderly Conduct is an arrestable offense (Encl. 1A). § 87(2)(g)

Allegation B- Abuse of Authority: Police Officer Tarik Sheppard threatened to arrest § 87(2)(b) and

§ 87(2)(b)

§ 87(2)(g)

Allegation C- Discourtesy: Police Officer Doris Westcott spoke obscenely to § 87(2)(b)

§ 87(2)(g)

Allegation D- Abuse of Authority: Sergeant Renee Lee threatened to arrest § 87(2)(b)

and § 87(2)(b)

While Sgt. Lee does not recall threatening § 87(2)(b) and § 87(2)(b) with arrest directly, she did acknowledge asking them to leave the stationhouse. Additionally, Sgt. Lee acknowledged instructing the desk officer at the time, “If they begin to get irate and threatening, then you’re gonna have to place them under arrest.”

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: